

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4

FISHERIES

PART II MARINE FISHERIES MANAGEMENT AREAS

CHAPTER 60.3

WEST HAWAII REGIONAL FISHERIES MANAGEMENT AREA, HAWAII

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§13-60.3-1 Definitions. As used in this chapter unless otherwise provided:

"Aquarium purpose" means to hold salt water fish, fresh water nongame fish, or other aquatic life alive in a state of captivity as pets, for scientific study, or for public exhibition or display, or for sale for these purposes. Salt water fish, fresh water nongame fish, or other aquatic life held alive in a state of captivity as food for human consumption shall not be considered as aquarium purpose.

"Department" means the department of land and natural resources.

"Fish feeding" means deliberately introducing any food material, substance or device used as an attractant, directly to or in the vicinity of any marine life, by any means, for any purpose except the purpose of catching and removing that marine life.

"Kealakekua Bay Marine Life Conservation District" means that area designated by Chapter 29, Hawaii Administrative Rules.

"Keauhou Fisheries Management Area" means that area designated by Chapter 57, Hawaii Administrative Rules.

"Kona Coast Fisheries Management Area" means those areas designated by Chapter 58, Hawaii Administrative Rules.

"Landward boundary" means an imaginary line drawn along the highwater mark on shore between the landward northern point and the landward southern point.

"Management area" means the West Hawaii regional fisheries management area.

"Northern boundary" means an imaginary straight line drawn between the landward northern point and the seaward northern point.

"Puako Bay and Puako Reef fisheries management area" means that area designated by Chapter 54, Hawaii Administrative Rules.

"Seaward boundary" means an imaginary straight line drawn between the seaward northern point and the seaward southern point.

"Southern boundary" means an imaginary straight line drawn between the landward southern point and the seaward southern point.

"Take" means to fish for, catch, or harvest, or to attempt to fish for, catch, or harvest, aquatic life. The use of any gear, equipment, tool, or any means to fish for, catch, capture, or harvest, or to attempt to fish for, catch, capture, or harvest, aquatic life by any person who is in the water, or in a vessel on the water, or on or about the shore where aquatic life can be fished for, caught, or harvested, shall be construed as taking. [Eff 12/31/99 ] (Auth: HRS §§187A-5, 188-53, 188F-6) (Imp: HRS §§187A-5, 188-53, 188F-6)

§13-60.3-2 Intent and purpose. (a) The intent and purpose of this chapter shall be as described in sections 188F-2 and 188F-3, Hawaii Revised Statutes.

(b) For the purposes of this chapter, the fish replenishment areas, as described in section 188F-4, Hawaii Revised Statutes, shall be known as fishery

management areas, marine life conservation districts, or as may be otherwise designated, to be consistent with other area designations. [Eff 12/31/99 ] (Auth: HRS §§187A-5, 188-53, 188F-2, 188F-3, 188F-4, 188F-6) (Imp: HRS §§187A-5, 188-53, 188F-6)

§13-60.3-3 General conditions. (a) Unless otherwise authorized by law, it is unlawful for any person to take aquatic life for aquarium purposes in any area designated in this chapter.

(b) Unless otherwise authorized by law, it is unlawful for any person to engage in or attempt to engage in fish feeding in any area designated in this chapter.

(c) Unless otherwise specified, the seaward boundary of any area designated in this chapter shall be to a depth of 100 fathoms (600 feet).

(d) Unless otherwise specified, the landward boundary of any area designated in this chapter shall be the highwater mark on shore. Should there be a stream or river flowing into the ocean, the landward boundary shall be an imaginary straight line drawn between the highwater marks on either side of the stream or river, as if the stream or river was not there.

(e) Unless otherwise provided, any area designated in this chapter shall be bounded by four points further identified by their latitude and longitude coordinates. A table of the areas with their corresponding latitude and longitude coordinates is provided at the end of this chapter, entitled "Fisheries Management Area Boundaries", dated September 14, 1999. The four points shall be the landward northern point, the landward southern point, the seaward northern point, and the seaward southern point. Imaginary lines drawn between these four points shall be known as the landward, seaward, northern, and southern boundaries. Any area designated in this chapter shall include the submerged lands and overlying waters within these four boundaries.

(f) Nothing in this chapter shall be construed as allowing within the management area any activity otherwise prohibited by law or rules adopted by another department of the state. [Eff 12/31/99 ] (Auth: HRS §§187A-5, 188-53, 188F-6) (Imp: HRS §§187A-5, 188-53, 188F-6)

§13-60.3-4 Penalty. Any person violating the provisions of this chapter, or the terms and conditions

of any permit issued as provided by this chapter, shall be punished as provided by sections 187A-12.5 and 188-70, Hawaii Revised Statutes, or as maybe otherwise provided by law. [Eff 12/31/99 ] (Auth: HRS §§187A-12.5, 188-70) (Imp: HRS §§187A-12.5, 188-70)

§13-60.3-5 Severability. If any provision of this chapter, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable. [Eff 12/31/99 ] (Auth: HRS §§1-23, 187A-5, 188-53, 188F-6) (Imp: HRS §§1-23, 187A-5, 188-53, 188F-6)

§13-60.3-11 North Kohala fisheries management area. The North Kohala fisheries management area shall be identified on shore to the north by Kamilo Gulch and to the south by the Kawaihae Lighthouse. [Eff 12/31/99 ] (Auth: HRS §§187A-5, 188-53, 188F-6) (Imp: HRS §§187A-5, 188-53, 188F-6)

§13-60.3-12 Puako-'Anaeho'omalu fisheries management area. The Puako-'Anaeho'omalu fisheries management area shall be identified on shore to the north by the southern end of the Puako Bay and Puako Reef Fisheries Management Area and to the south by the southern side of `Anaeho`omalu Bay (Kapalaoa). [Eff 12/31/99 ] (Auth: HRS §§187A-5, 188-53, 188F-6) (Imp: HRS §§187A-5, 188-53, 188F-6)

§13-60.3-13 Ka'upulehu fisheries management area. The Ka'upulehu fisheries management area shall be identified on shore to the north by the northern boundary of the Ka'upulehu ahupua'a and to the south by the southern side of Kalae O Kikaua (Kuki`o Bay). [Eff 12/31/99 ] (Auth: HRS §§187A-5, 188-53, 188F-6) (Imp: HRS §§187A-5, 188-53, 188F-6)

§13-60.3-14 Kaloko-Honokohau fisheries management area. The Kaloko-Honokohau fisheries management area shall be identified on shore to the north by the southern boundary of Wawaloli Zone (Kona Coast Fisheries

Management Area) at Wawahiwa`a Point and to the south by Noio Point. [Eff 12/31/99 ] (Auth: HRS §§187A-5, 188-53, 188F-6) (Imp: HRS §§187A-5, 188-53, 188F-6)

§13-60.3-15 Kailua-Keauhou fisheries management area. The Kailua-Keauhou fisheries management area shall be identified on shore to the north by the southern boundary of Kailua Bay Zone, Kona Coast Fisheries Management Area and to the south by the northern boundary of Keauhou Fisheries Management Area. [Eff 12/31/99 ] (Auth: HRS §§187A-5, 188-53, 188F-6) (Imp: HRS §§187A-5, 188-53, 188F-6)

§13-60.3-16 Red Hill fisheries management area. The Red Hill fisheries management area shall be identified on shore to the north at Nenu Point and to the south by Keawekaheka Point. [Eff 12/31/99 ] (Auth: HRS §§187A-5, 188-53, 188F-6) (Imp: HRS §§187A-5, 188-53, 188F-6)

§13-60.3-17 Napo`opo`o-Honaunau fisheries management area. (a) The Napo`opo`o-Honaunau fisheries management area shall be identified on shore to the north by the southern boundary of Kealakekua Bay marine life conservation district (Manini Point) and to the south by the southern boundary of Pu`uhonua O Honaunau (Ki`ilae). [Eff 12/31/99 ] (Auth: HRS §§187A-5, 188-53, 188F-6) (Imp: HRS §§187A-5, 188-53, 188F-6)

§13-60.3-18 Ho`okena fisheries management area. The Ho`okena fisheries management area shall be identified on shore to the north by Loa Point and to the south by Ka`uloa Point. [Eff 12/31/99 ] (Auth: HRS §§187A-5, 188-53, 188F-6) (Imp: HRS §§187A-5, 188-53, 188F-6)

§13-60.3-19 Miloli`i fisheries management area. The Miloli`i fisheries management area shall be identified on shore to the north by Makahiki Point and to the south by Kakio Point. [Eff 12/31/99 ] (Auth: HRS §§187A-5, 188-53, 188F-6) (Imp: HRS §§187A-5, 188-53, 188F-6)

Fisheries Management Area Boundaries  
(September 14, 1999)

Location	Landward dGPS Coordinates		Seaward dGPS Coordinates (600ft.)				
	Northern Point	Southern Point	Northern Point	D (nm)	Southern Point	D (nm)	@
North Kohala	20° 04.826'N	20° 02.471'N	20° 04.378'N	1.40	20° 01.654'N	1.94	225°
	155° 51.934'W	155° 49.988'W	155° 53.344'W		155° 51.875'W		225°
Puako -	19° 57.529'N	19° 54.641'N	19° 59.206'N	2.40	19° 57.034'N	3.54	300°
`Anaeho`omalu	155° 51.553'W	155° 53.893'W	155° 53.383'W		155° 56.658'W		300°
Ka`upulehu	19° 51.011'N	19° 49.209'N	19° 53.817'N	3.91	19° 51.724'N	4.39	300°
	155° 58.111'W	156° 00.132'W	156° 00.994'W		156° 03.947'W		300°
Kaloko -	19° 41.558'N	19° 40.059'N	19° 41.368'N	0.35	19° 39.844'N	0.46	240°
Honokohau	156° 02.725'W	156° 01.741'W	156° 03.031'W		156° 02.169'W		240°
Kailua -	19° 37.904'N	19° 33.726'W	19° 37.089'N	2.02	19° 32.801'N	2.21	245°
Keauhou	155° 55.497'W	155° 57.829'W	156° 01.449'W		156° 00.004'W		245°
Red Hill	19° 30.823'N	19° 29.252'N	19° 30.166'N	1.41	19° 28.991'N	0.51	235°
	155° 57.630'W	155° 57.068'W	155° 58.953'W		155° 57.536'W		235°
Napo`opo`o -	19° 28.230'N <sup>1</sup>	19° 24.559'N	19° 28.688'N <sup>2</sup>	1.13	19° 24.725'N	0.79	270°
Honaunau	155° 53.354'W	155° 54.343'W	155° 56.898'W		155° 55.162'W		270°
Ho`okena	19° 23.796'N	19° 19.458'N	19° 23.690'N	0.40	19° 19.403'N	0.25	240°
	155° 54.685'W	155° 53.426'W	155° 55.095'W		155° 53.688'W		240°
Miloli`i	19° 14.071'N	19° 08.098'N	19° 14.111'N	0.15	19° 08.160'N	0.36	270°
	155° 54.082'W	155° 55.132'W	155° 54.235'W		155° 55.510'W		270°

<sup>1</sup>Northern Boundary runs 0.25nm along existing Kealahou Bay MLCD southern boundary to 19°28.443'N/ 155°55.708'W and then 270° to seaward northern point

D(nm) = distance in nautical miles from the landward points to the seaward points

@ = compass heading from landward coordinates to seaward coordinates